

**REMARKS****A. Personal Interview**

On June 21, 2005, the undersigned along with Vincent Gnoffo, Esq. participated in a personal interview with Examiner Victor Nguyen and his supervisor Primary Examiner Julian Woo. Michael Malish representing Norwood Abbey, licensee of the present application, participated via telephone. The undersigned would like to thank Examiner Nguyen and Primary Examiner Woo for the courtesies extended to himself and his fellow participants.

During the interview, the claims presented in Applicants' Amendment filed on February 11, 2005 were discussed. In particular, Examiner Nguyen and Primary Examiner Woo suggested that adding "means-plus-function" claims would expedite examination of the application. Accordingly, Applicants are amending the claims to include "means-plus-function" language. Examiner Nguyen and Primary Examiner Woo suggested that adding capable-type language in the claims would expedite examination of the application. Accordingly, Applicants are amending the claims to include capable-type language. Applicants intend on refiling the claims in their form prior to the present Amendment in a continuation application since they feel the claims should be allowed.

**B. Election of Claims 53, 54, 56, 57, 59 and 60**

Applicants inadvertently failed to denote that claims 53, 54, 56, 57, 59 and 60 were included in the elected Species II and are at least generic to Species III and Species IV.

**C. Claims 1-64**

Claims 1, 3-6, 9-11, 13-15, 24-27, 29-34, 36-39, 43, 53, 54, 56, 57 and 60 have been amended to replace "separator" with "means for separating" and/or to use "capable-like" language in order to expedite prosecution of the application. Since the above-mentioned amendments are solely being made to expedite prosecution and the original claims will be represented in a continuation application, the above-mentioned amendments are not related to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002), to the extent that they even come under the scope of *Festo*.

Note that independent claims 1, 9 and 43 recite either 1) "a rotating drum positioned relative to said separator so as to be able to receive said separated portion of said epithelial material from said separator" (claims 1 and 9) or 2) "a movable surface that is movable relative to said means for separating and is positioned so as to be able to receive said separated portion of said epithelial material" (claim 43). As pointed out in Applicants' Amendment filed on February 11, 2005, Solviev et al.'s drum 11 is prevented from receiving any material from the hold plates 8. As shown in FIG. 2, the drum 11 is positioned above the plates 8 and is spaced from the plates 8 by an outer wall of the device. Thus, the drum 11 is prevented from receiving any material from the plates 8. Such a structure is in stark contrast to the structure required for receiving a separated portion of

epithelial material. Thus, claims 1, 9 and 43 should be deemed patentable over Soloviev et al. for at least this reason.

**D. New Claims 65-81**

Claims 65-81 are being presented to provide additional protection for the inventions of claims 1 and 43 and so are not being presented for reasons related to patentability as defined in *Festo*.

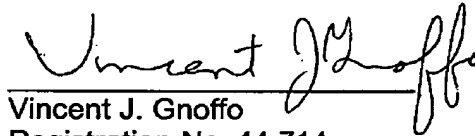
**E. New Claims 82-96**

Claims 82-96 are being presented to provide additional protection for various mechanical devices and so are not being presented for reasons related to patentability as defined in *Festo*. Note that claims 82, 85 and 88 generally correspond to claims 1, 9 and 43, respectively, as presented in Applicants' Amendment filed on February 11, 2005. Any changes in language with respect to claims 1, 9 and 43, as filed on February 11<sup>th</sup>, do not change the intended meaning or scope of the claims and so such changes are not being present for reasons of patentability as defined in *Festo*.

Please note that Applicants' Amendment filed on February 11, 2005 pointed out that Soloviev et al. did not render claims 1, 9 and 43 unpatentable for various reasons. For example, Soloviev et al.'s drum 11 is prevented from receiving any material from the hold plates 8, while claims 1, 9 and 43 (and now claim 82, 85, 88) recited either a rotating drum (claims 1 and 9) or a movable surface (claim 43) to receive the separated portion of the epithelial material from the separator as pointed above in Section C. Thus, new claims 82, 85, 88 and

their dependent claims should be deemed patentable over Soloviev et al. New independent claims 91, 93 and 95 should be deemed patentable over Soloviev et al, for similar reasons.

Respectfully submitted,



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